

**Responsible Pet
Ownership Policy
for
Council House Tenants
2013-2016**

DRAFT

Prepared by

Neighbourhood Housing Management

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REVISION HISTORY

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SCRUTINY			
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FCC QUALITY STATEMENT

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Date:



1. Introduction

Flintshire County Council understands the pleasure that keeping pets and animals can bring to people.

In order to balance the benefits of keeping pets with the principles of animal welfare and our commitment to tackling neighbour nuisance issues, the Council has developed this policy.

Its aim is to provide a clear framework for customers, officers and elected members, so that a consistent approach to responsible pet ownership is applied across the county.

2. Scope

All tenants sign a Flintshire County Council tenancy agreement when they move into their homes. It is an obligation of this legal contract, that tenants will request permission before keeping any pets or animals at the property, and that they must not obtain pets or animals without first getting the written consent of the Council.

This policy sets out the process for requesting permission, how decisions will be reached, and what terms and conditions may be attached to the Council's consent.

It will also address what action the Council may take when tenants don't request permission, or when the pet or animal causes nuisance, or when the terms and conditions of the consent are breached.

3. Background

The Council's Housing Department regularly deals with issues and complaints relating to pets and animals.

The kinds of problems which have historically arisen have been for example;

- Dogs which bark excessively, cockerels crowing
- Fouling in public places, or communal spaces
- Damage to property by pets
- Animal welfare concerns
- Animals which have escaped, or let out unsupervised
- Animal attacks

Fleas in property
Animals abandoned in property
Dead animals
Excessive numbers of animals

4. Legal Framework

The Housing Act 1985 and the Housing Act 1996

The basis of the Councils contract with its tenants is the Flintshire County Council tenancy agreement. Tenants of the Council hold either a secure tenancy as defined by the Housing Act 1985 or an Introductory Tenancy as defined by the Housing Act 1996. The tenancy agreement contains obligations on the part of both the Council and the tenant(s). Breaches of tenant's obligations under the terms of the tenancy agreement may lead to an action for possession of the property pursuant to the relevant grounds for possession.

The Housing Act 1996 and the Antisocial Behaviour Act 2003

The Housing Act 1996 and The Anti-Social Behaviour Act 2003 also allow for the Council to apply for an injunction where there are issues of nuisance and annoyance which interfere with the Council's housing management function to prevent the problems from recurring where this is probable without injunctive relief.

The Animal Welfare Act 2006

The Animal Welfare Act 2006 was implemented in Wales on 27th March 2007.

It makes owners responsible for ensuring that their animals' welfare needs are met.

These include the need:

- For a suitable environment (place to live)
- For a suitable diet
- To exhibit normal behaviour patterns
- To be housed with or apart from other animals (if applicable)
- To be protected from pain, suffering, injury and disease

The law also increases the minimum age a person can buy an animal to 16 and prohibits giving animals as prizes to unaccompanied children under this age. Anyone who is cruel to an animal or does not provide for its welfare needs may be banned from owning animals, fined up to £20,000 and/or sent to prison.

Other relevant legislation includes the Dangerous Dogs Act (1991) as amended 1997.

[NB – This legislation is due to change and an amendment will be inserted here to reflect the new legislation]

The Dangerous Dogs Act 1991 contains two main sections:

Section 1 of the Act stipulates that owners of the 'type of dog known as a pit bull terrier' and three other breed types (Japanese Tosa, Dogo Argentino and Fila Brasileiro) must fulfil certain strict requirements. These requirements include keeping the dog muzzled and on a lead at all times whilst in a public place, having the dog micro-chipped, keeping the dog insured against third party liability and having the dog neutered with the aim that these types of dogs would eventually become extinct in the UK. The dog also had to have its details registered on the Index of Exempted Dogs maintained by DEFRA on behalf of the Government.

Owners of these types of dogs could no longer give away or sell their dogs. Unless the requirements were met, keeping such a dog in the UK would become illegal and any person who owned a prohibited type dog would be committing an offence unless the dog had been registered on the Index. Owners were offered the option of accepting a token compensation from the Government if they chose to have their dogs voluntarily destroyed.

The second part of the Dangerous Dogs Act 1991, Section 3, affects all dogs regardless of breed or type. It makes it a criminal offence to allow a dog to be dangerously out of control in a public place. This includes any instance during which an injury of any sort occurs or there is a fear that an injury might occur. In addition, under Section 3(3) of the Act, the owner (or person in charge at the time) of a dog can be prosecuted if an incident occurs in a non- public place where the dog was not permitted to be.

Before the introduction of The Dangerous Dogs (Amendment Act) 1997, owners convicted under the 1991 Act of having either a prohibited dog or a dog which had injured a person, no matter how minor the injury, faced a mandatory Court Order to have the dog destroyed.

The Dangerous Dogs (Amendment Act) 1997:

The introduction of the 1997 Act gave the Courts discretion on sentencing. Provided the Court is satisfied that the dog will not constitute a danger to public safety, as an alternative to making a compulsory order for the destruction of the dog, the Court can instead impose a control order specifying the measures the owner must take to keep the dog under proper control. These measures can include muzzling, keeping the dog on a lead and neutering if appropriate.

The 1997 Act also reopened the Index of Exempted Dogs. As a result, in cases involving dogs of a prohibited type, when the Court is satisfied that the dog will not pose a risk to the safety of the public, the Court has the power to make a contingent destruction order to allow the dog to be registered on the Index of Exempted Dogs within two months of the date of the order provided the conditions of the order are met.

This legislation currently applies in England and Wales
(Source – The Dogs Trust, 2014)

The Environmental Protection Act 1990

The Environmental Protection Act 1990 is also relevant as it gives Local Authorities the powers to investigate complaints relating to noise nuisance and premises which may be prejudicial to health.

Many complaints which are received relate to dogs barking excessively, but the legislation can also cover issues such as cockerels crowing.

Properties where there are issues around animal faeces and general sanitation may also come within the remit of this legislation.

Where the Local Authority investigates and finds evidence of a statutory nuisance, or is satisfied that premises may be prejudicial to health, it may prosecute the occupier.

The Dangerous Wild Animals Act 1976 and the Wildlife and Countryside Act 1981

These pieces of legislation cover the circumstances in which certain animals can be kept, or culled, as well as animals which are protected within England and Wales.

The Dangerous Wild Animals Act 1976 allows for private individuals to apply to their Local Authority for a license to keep an animal covered by this legislation.

Forthcoming legislation

Welsh Government has announced plans to make it compulsory for all dogs to be micro-chipped in Wales from 2015.

5. Requesting permission to keep a pet or an animal

Flintshire County Council has produced a leaflet entitled "Responsible Pet Ownership: A Guide for Flintshire County Council Tenants."

This leaflet sets out a summary of this policy and provides advice and guidance for customers who may be considering getting a pet or animal.

It also includes an application form which customers will need to complete and return to the Neighbourhood Housing Team.

The relevant Neighbourhood Housing Officer will then have 15 working days in which to process the application and provide the customer with a written decision.

Where consent is granted, this will contain terms and conditions to reduce the likelihood of nuisance, and to promote the animals welfare.

Permission will be provided in writing and will include useful animal care information from a reputable animal organisation / charity.

Details of local veterinary practices, animal charities and organisations will also be provided.

6. Factors to be taken into account

In order to promote a consistent approach to decision making, Flintshire County Council has developed the following guidance which Neighbourhood Housing Officers will be required to take into account when deciding on whether to grant consent for an animal to be kept at a Flintshire County Council property.

Type of Animal / Breed

Dogs

Permission will not be granted for any dog to which Section 1 of the Dangerous Dogs Act 1991 applies unless the dog has been exempted from the prohibition by Court Order and all of the conditions of the exemption are being complied with.

Currently these breeds are:

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Brasileiro

Permission will be considered for other breeds up to a maximum of 2 depending upon other factors to be considered as highlighted below.

Permission will *always* be granted for assistance dogs, and where the tenant does not live in suitable accommodation, the Neighbourhood Housing Team will provide advice on re-housing, so that the assistance dog can be accommodated.

Cats

In most circumstances, permission will be granted to keep cats up to a maximum number. Usually this will be a maximum of two but a Neighbourhood Housing Officer will have the discretion to allow more if they agree that this is appropriate, and the property is of an adequate size.

Wild Animals / Protected Species

The Council will also not consider giving permission for any animal covered by the Dangerous Wild Animals Act 1976 or protected by the Wildlife and Countryside Act 1981.

Livestock

The Council will not give permission for livestock such as sheep, goats, cows or pigs (including micro-pigs) to be kept.

Poultry, Fowl and other birds.

The Council recognises that many of its homes are situated in rural or semi-rural communities, and that keeping chickens is a growing hobby which brings many tenants the added benefit of free-range eggs! As such, providing there is suitable space, and subject to terms and conditions, permission may be considered for chickens. Space requirements for chickens will be a sufficiently sized coop, and a minimum of 1 metre² of run per chicken.

Cockerels will not be permitted, nor would peacocks, ducks or geese. Consideration may be given for other birds which would be housed externally to the main property, for example, pigeons, quail, and pheasants. Permission would be subject to the type of property of the applicant, and suitable welfare requirements and terms and conditions being met.

Birds which are housed within the interior of the property will usually be considered subject a maximum number and not being a protected species. As with all applications, any consent will be subject to terms and conditions, and Officer will need to consider the appropriateness of birds which may be particularly noisy.

Small caged mammals

In most cases, applications for permission to keep small caged animals will not be denied, subject to a maximum number, and terms and conditions. This means animals like rabbits, guinea pigs, hamsters, chinchillas, degus etc

Reptiles

Consideration will be given to applications to keep some common reptiles, such as small lizards and non-venomous, non-constricting/dangerous snakes subject to terms and conditions.

Horses and Ponies

Due to the space required by horses and ponies, it is extremely unlikely that permission would ever be granted for a horse or pony to be kept in a Flintshire County Council property.

Donkeys

Due to the specific needs of donkeys, Flintshire County Council is extremely unlikely to ever grant permission for a donkey to be kept in a Flintshire County Council property.

Other

Any animals or pets not listed above will be considered on a case by case basis and with advice from animal charities on the appropriateness of the animal and the accommodation type.

Type of Accommodation

The Neighbourhood Housing Officer will need to give consideration to the type of property that the tenant lives in.

So, for example, a high rise property would not be suitable for many animals to be kept in, but may be suitable for a small caged pet.

Likewise, animals or pets which need to be kept outside, for example chickens, would require the tenants to have their own enclosed garden.

Some landlords do not give permission for dogs, where the tenant does not have their own enclosed garden, however, the Council appreciates that the vast majority of our dog-owning tenants, are very responsible, and therefore permission may be granted for dogs where the owner does not have a garden, but subject to terms and conditions such as not allowing the dog to foul the communal space, or be left unattended in a communal garden and with specifications that the dog be provided with plenty of exercise.

Animal Welfare

When applying for permission to keep a pet or animal, the Neighbourhood Housing Officer will consider the welfare of the animal.

The application form contains a number of questions to ensure that prospective pet owners have given consideration to the kind of care and commitment that the animal needs and deserved.

The prospective pet owner will need to sign to confirm that they have read the leaflet and are able to provide and care for their animal.

The leaflet will prompt prospective animal owners to consider a wide range of issues pertaining to the welfare of their animal such as, the type of accommodation the animal will require, veterinary bills and pet insurance, vaccinations, dietary requirements and the cost of food, obedience training, any specialist equipment they may need, and what will happen if they are no longer able to care for the animal, for example if they are in hospital. Customers are also prompted to consider the level of commitment needed, for example daily exercise routines, who will care for the animal if they are on holiday and the expected life span of the pet.

Applicants

The applicant for consent to keep a pet must be the tenant themselves.

Consent to keep a pet will not be given to any person who has been prohibited from keeping animals by the courts for offences relating to animal cruelty.

Tenants will be required to provide details of a nominated person who is prepared to look after their animal/pet in the event that they are unable to, for example, if they are taken into hospital suddenly.

Breeding

Breeding will be in the main will be prohibited and neutering will be actively encouraged for dogs and cats with details of subsidised schemes for those on benefits or low incomes being provided.

7. When things go wrong

Pets and animals can cause nuisance in a variety of ways. Where problems occur, the Neighbourhood Housing Team will work with pet owners and affected residents to resolve the issues.

Some examples of the types of problems that occur are cited below although the list is not exhaustive.

- Roaming and unattended animals.
- Excessive noise (e.g. dogs barking).
- Pets fouling.
- Aggressive pets.
- Too many pets in the property.

The Council may also need to get involved where there are concerns about the welfare or well being of a pet or animal. The following are some examples of when this may happen:

- Animals abandoned at a property
- Animals under-nourished
- Animals experiencing cruelty
- Animals kept in unsanitary conditions

Depending upon the circumstances and severity of the case, it will be usual for the Council to initially take steps to resolve problems informally. This may involve visiting the pet owner, or asking them to come into the office, and discussing the problem, and offering advice on how it may be resolved. In some cases, the Neighbourhood Team may put the pet owner in touch with specialist animal charities or organisations who can give more detailed advice.

If this doesn't work, or the pet owner doesn't co-operate with the Council then further action may be required. The kinds of action that the Council may consider at this stage include:

- Formal Written Warnings

- Acceptable Behaviour Contract
- Mediation
- Referrals to Environmental Health, Police, RSPCA
- Withdrawal of consent to keep an animal/pet

If after non-legal remedies have not been successful then the Council may consider enforcement action through the courts. Such decisions will be made on a case by case basis, but will usually be where the problems are prolonged or very serious and legal action is necessary and proportionate to make the problems stop.


8. Refusal or Withdrawal of Consent to keep animals Appeals Procedure

The council has established an appeals process where customers who do not agree with the outcome of their request to keep a pet, can ask for a review of the decision.

In the first instance, customers should write to the Neighbourhood Housing Team Leader for their area who will review the facts of the case and provide the customer with a final decision.

The Council will consider all appeal requests within 20 working days.

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